

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNIVERSITY OF WASHINGTON MEDICAL
CENTER, etc., et al,

Plaintiffs,

v.

XAVIER BECERRA, Secretary, United States
Department of Health and Human Services, etc.,

Defendant.

CASE NO. C23-1985RSL

ORDER STAYING ACTION

WHEREAS Plaintiffs filed this action on December 22, 2023, seeking to challenge the methodology by which Defendant calculates inpatient hospital days for patients who are entitled to both Medicare Part A and supplementary/supplemental security (SSI) benefits for purposes of determining Plaintiffs' Medicare disproportionate share hospital (DSH) payments for the fiscal year ending on June 30, 2007; and

WHEREAS a Petition for a Writ of Certiorari has been filed from a judgment in favor of Defendant on certain challenges related to this same legal issue in *Advocate Christ Medical Center v. Becerra*, 80 F.4th 346 (D.C. Cir. 2023), and the petition is presently pending before the Court.

WHEREAS certain challenges related to this same legal issue are also pending before the District Court for the Eastern District of Washington in *Empire Health Foundation v. Becerra*, Case

No. 2:16-cv-00209-MKD, which has been stayed pending the disposition of the certiorari petition in *Advocate Christ Medical Center v. Becerra*;

WHEREAS the parties agree that a stay of this lawsuit pending further developments in the Supreme Court in *Advocate Christ Medical Center v. Becerra* and in the Eastern District of Washington in *Empire Health Foundation v. Becerra* may serve to promote the interest of conserving judicial resources; and

WHEREAS the parties agree that nothing in this stipulation should be construed to limit the parties from pursuing any claims or defenses in the lawsuit that they may have,

NOW THEREFORE the parties stipulate and agree, and therefore respectfully request that the Court make and enter the following order:

1. This action is stayed.

2. The parties shall jointly report to the Court within 60 days of the Court's disposition of the Petition for a Writ of Certiorari in *Advocate Christ Medical Center v. Becerra*, whether the stay herein should continue.

3. If the parties agree that the stay should continue, the parties shall provide a justification for their recommendation, including a recommendation for how long the stay should continue. If the parties disagree, they shall state their positions separately in the joint report.

4. If the parties agree that the stay should end, the report shall contain a joint recommendation for how best to proceed with this lawsuit. In the event of a disagreement between the parties as to whether the stay should end, their report should not contain recommendations for how the case should proceed and the parties shall instead await further orders from the Court.

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1 5. Notwithstanding the above, the parties may at any time unilaterally file a motion
2 asking that the stay of the lawsuit be lifted.

3 SO STIPULATED.

4 DATED this 24th day of April 2024.

5 TESSA M. GORMAN
6 United States Attorney

7 /s/ Brian C. Kipnis
8 BRIAN C. KIPNIS
9 Assistant United States Attorney
10 Office of the United States Attorney
11 5220 United States Courthouse
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13 Seattle, Washington 98101-1271
14 Phone: 206-553-7970
15 Email: brian.kipnis@usdoj.gov

16 Attorneys for Defendant

17 SO STIPULATED.

18 DATED this 24th day of April 2024.

19 STAMPER RUBENS, P.S.

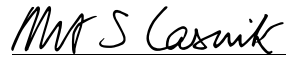
20 /s/ Michael H. Church
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26 Attorneys for Plaintiffs
27
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ORDER

IT IS SO ORDERED. The Clerk of Court is directed to enter a statistical termination in this case. Such termination is entered solely for the purpose of removing this case from the Court's active calendar pending resolution of *Advocate Christ Medical Center v. Becerra* and the further report or motion of the parties as described above.

Dated this 25th day of April, 2024.



ROBERT S. LASNIK
Senior United States District Judge